

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO. 09.699,554
ATTORNEY DOCKET NO. Q61559

REMARKS

I. General Remarks

With this Amendment, Applicants add new Claims 13 and 14. Therefore, Claims 1-14 are all the claims currently pending in the present application.

The Examiner has returned a signed and initialed copy of the PTO-Form 1449 filed with the November 18, 2003 IDS.

Claims. Claims 1-3, 5, 6, and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Bandera et al., U.S. Patent No. 6,332,127 (“Bandera”), in view of Park, WO 96/04633 (“Park”). Claims 4 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Bandera, in view of Park and Hendricks et al., U.S. Patent No. 6,408,437 (“Hendricks”). Claims 8-11 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Bandera, in view of Barnett et al., U.S. Patent No. 6,336,099 (“Barnett”) and Rakavy et al., U.S. Patent No. 6,317,789 (“Rakavy”).

Interview. A personal interview was conducted with the Examiner on May 11, 2004. A statement of the Substance of the Interview follows.

II. Statement of the Substance of the Interview

At the interview conducted on May 11, 2004, the outstanding rejections of Claims 1-12 were discussed. The invention of the present application was discussed in view of the Bandera, Park, Hendricks, and Barnett references, and it was agreed that the claims would be in better form for allowance if amended in order to clarify the claimed limitations.

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III. Claim Amendments

With this Amendment, Applicants amend Claims 1, 5-7, 9, 11, and 12, as shown.

Applicants respectfully submit that these amendments are not intended to narrow the scope of the original claims, but are rather for precision of language and to explicitly recite within the claim what was believed to have already been implicitly defined therein. Accordingly, these amendments do not foreclose application of reasonable equivalents.

III. Claims 1, 3, 5, 6, and 12

Regarding the Examiner's §103(a) rejection of Claims 1, 3, 5, 6, and 12 over Bandera and Park, Applicants respectfully traverse the rejection for at least the following reasons.

Claims 1 and 12. With respect to Claims 1 and 12, Bandera and Park fail to teach or suggest assigning an evaluation value to received advertisement data at a reception end. Neither Bandera, nor Park discusses assigning any value to received advertisement data based on a reproduction time, a reproduction position and a preference of a user, as claimed. Bandera is generally directed to a system wherein a server selects from among advertisements stored in a remote database or file system 30. (Bandera, Fig. 2 and col. 5, lns. 9-15). However Bandera fails to teach or suggest assigning an evaluation value based on specific factors, as claimed. Park is generally directed to a vehicle information system, whereby advertisements are transmitted to a vehicle through voice and data broadcast, and upon hearing an advertisement, a user can elect to manually "capture" the broadcast, including specific information pertaining to the location of the advertiser. (Park, Abstract). Alternately, the user can set a filter to automatically collect advertisement data according to user selected criteria. (Park, p.16, lns. 20-25). However, like

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Bandera, Park has no teaching or suggestion of assigning an evaluation value based on specific factors, as claimed.

Additionally, with respect to Claims 1 and 12, Bandera and Park fail to teach or suggest extracting or displaying advertisement data in an order of highest evaluation value, as claimed. As discussed, neither Bandera nor Park teaches or discloses assigning an evaluation value. According to Bandera, once an advertisement has been selected from the database 30, it is automatically displayed to the user in a webpage. Bandera fails to teach or suggest extracting or displaying advertisement data in any type of order. Park also fails to teach or suggest extracting or displaying advertisement data in the order of highest evaluation value.

Therefore, Applicants submit that Claims 1 and 12 are patentable over Bandera and Park and respectfully request that the rejection be reconsidered and withdrawn.

Claims 3, 5, and 6. Applicants submit that Claims 3, 5, and 6 are patentable at least by virtue of their dependence on Claim 1, discussed above, and for the following additional reasons.

With respect to Claim 5, Bandera and Park fail to teach or suggest advertisement data being given a high evaluation value when a receive time is within a specific period and being given a low evaluation value when the receive time is outside the specific period, as claimed. Bandera discloses that advertisements selected from the remote database can be selected according to time. For example an advertisement for breakfast food could be selected in the morning, but not in the evening. (Bandera, col. 7, Ins. 40-52). However, as discussed, Bandera fails to select from among received advertisement data, as claimed. Further, as Bandera fails to teach or suggest assigning an evaluation value to received advertisement data, it also fails to

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teach or suggest assigning a high evaluation value or a low evaluation value based on a receive time, as claimed. Park discloses displaying dates of availability along with other “captured” advertisement information. (Park, p. 14, Ins. 9-20). However, Park fails to teach or suggest evaluating whether a receive time is within a certain period. Further, as discussed, Park fails to teach or suggest assigning an evaluation value, and therefore also fails to teach or suggest assigning a high evaluation value or a low evaluation value based on a receive time, as claimed.

With respect to Claim 6, Bandera and Park fail to teach or suggest the shorter the distance between a receive position and an advertisement target location, the higher the evaluation value, and vice versa. According to Park, the distance between a current vehicle location and a geographic point of interest is determined, in order to provide a vector indicating distance and direction of travel. (Park, p. 13, Ins. 2-16). However, Park fails to teach or suggest evaluating advertisement data based on this distance. Bandera discloses that advertisements selected from the remote database can be selected according to the location of a user. However, Bandera fails to teach or suggest determining the distance between a user and a target location. Further, because neither reference teaches or suggests assigning an evaluation value to advertisement data, they also fail to teach or suggest the shorter the distance between a receive position and an advertisement target location, the higher the evaluation value, and vice versa.

Therefore, for at least the above-presented reasons, Applicants submit that Claims 3, 5, and 6 are patentable over Bandera and Park and respectfully request that the rejection be reconsidered and withdrawn.

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IV. Claims 4 and 7

Regarding the Examiner's §103(a) rejection of Claims 4 and 7 over Bandera, Park, and Hendricks, Applicants submit that Claims 4 and 7 are patentable at least by virtue of their dependence on Claim 1, and for the following additional reasons.

With respect to Claim 7, Bandera, Park, and Hendricks fail to teach or suggest the more key words of interest, the higher the assigned evaluation value, and the more key words which are not of interest, the lower the assigned evaluation value, as claimed. As acknowledged by the Examiner, both Bandera and Park fail to teach or suggest the use of key words, and therefore, the Examiner relies on Hendricks to teach this limitation. (Office Action, p. 5). Hendricks is generally directed to a system for suggesting television programs for viewing. According to Hendricks, key words may be taken into account in the determination of which programs are suggested. (Hendricks, col. 31, lns. 5-15, and col. 32, lns. 42-53). However, like Bandera and Park, Hendricks fails to teach or suggest assigning an evaluation value to programs, and therefore, also fails to teach or suggest the more keywords of interest, the higher the evaluation value, and the more keywords that are not of interest, the lower the evaluation value.

Therefore, for at least the above-presented reasons, Applicants submit that Claims 4 and 7 are patentable over Bandera, Park, and Hendricks and respectfully request that the rejection be reconsidered and withdrawn.

V. Claims 8-11

Regarding the Examiner's §103(a) rejection of Claims 8-11 over Bandera, Park, Barnett, and Rakavy, Applicants respectfully traverse this rejection as follows.

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Claim 8. Applicants submit that Claim 8 is patentable at least by virtue of its dependence on Claim 1, and because Bandera, Park, Barnett, and Rakavy fail to teach or suggest an advertisement transmission row comprising the advertisement data repeatedly by a unit of a client, as claimed. The Examiner relies on Barnett to teach this limitation (Office Action, p.6 and 9). According to Barnett, coupon packages, containing a plurality of related coupons may be downloaded by a user and printed for use with various merchants. (Barnett, Abstract). Barnett fails to teach or suggest transmitting an advertisement transmission row comprising the advertisement data repeatedly, as claimed. In fact, Barnett also teaches away from repeatedly transmitting the same advertisement or coupon data. According to Barnett, each transmitted and downloaded coupon can be printed as many times as the recipient wants, up to a pre-selected limit. (Barnett, col. 3, lns. 47-54). Therefore, it would be counter-productive, and wasteful of bandwidth, for the same coupon to be re-transmitted repeatedly.

Claims 9-11. The limitations of Claims 9 and 11 parallel those limitations of Claims 1 and 12, and are patentable for at least the same reasons. Claim 10 is patentable at least by virtue of its dependence on Claim 9.

Therefore, for at least the above-presented reasons, Applicants submit that Claims 8-11 are patentable over Bandera, Park, Barnett, and Rakavy and respectfully request that these rejection be reconsidered and withdrawn.

VI. New Claims 13-14

Applicants have added new Claims 13-14 in order more fully to cover various aspects of Applicants' invention as disclosed in the specification. Applicants submit that Claims 13 and 14

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are patentable over the cited references for at least the same reasons as presented above with respect to Claims 1-12.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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